

HOUSE No. 4967

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 14, 2008.

The committee on Ways and Means, to whom was referred the Bill relative to school district accountability (House, No. 4859) reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4967).

For the committee,

ROBERT A. DELEO.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT RELATIVE TO SCHOOL DISTRICT ACCOUNTABILITY.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to promote forthwith high academic
3 achievement throughout the Commonwealth's public schools,
4 therefore it is hereby declared an emergency law, necessary for
5 the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1G of chapter 15 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by
3 striking out, in line 2, the word "early" and inserting in place
4 thereof the following words:— school and district accountability
5 and assistance, early.

1 SECTION 2. Said section 1G of said chapter 15, as so
2 appearing, is hereby further amended by inserting after the second
3 paragraph the following 2 paragraphs:—
4 The members of the advisory council on school and district
5 accountability and assistance shall consist of 15 members:— 1 of
6 whom shall be selected from a list of 3 nominees offered by the
7 Massachusetts Association of School Superintendents, 1 of whom
8 shall be selected from a list of 3 nominees offered jointly by the
9 Massachusetts Teachers Association and the American Federation
10 of Teachers of Massachusetts, 1 of whom shall be selected from a
11 list of 3 nominees offered by the Massachusetts Secondary School
12 Administrators' Association, 1 of whom shall be selected from a
13 list of 3 nominees offered by the Massachusetts Elementary
14 School Principals' Association, 1 of whom shall be selected from
15 a list of 3 nominees offered by the Massachusetts Association of
16 School Committees, 1 of whom shall be selected from a list of 3
17 nominees offered by the Massachusetts Charter Public School
18 Association, 1 of whom shall be a representative of a business or

19 an industry with a demonstrated commitment to education and 8
20 of whom shall be individuals with a demonstrated record of
21 achievement or academic expertise in:— education administra-
22 tion; education or business finance and management; the use of
23 student achievement data to improve instruction and administra-
24 tion; the conduct or use of school and district audits and evalua-
25 tions; educator evaluation and professional development; or other
26 areas of expertise in education reforms established by Chapter 71
27 of the acts of 1993. The advisory board members shall be recom-
28 mended by the commissioner and appointed by the board.

29 The council shall meet no less than 4 times annually to review
30 and advise the department and board on the policies and practices
31 of the office of school and district accountability established by
32 Section 55A of Chapter 15 as well as the targeted assistance and
33 intervention efforts of the department pursuant to Chapter 69 and
34 pursuant to the accountability provisions of federal law. The
35 council shall develop and administer through the department, a
36 post-audit survey to audited school districts and an annual survey
37 to any schools and districts receiving technical assistance under
38 said Chapter 69. The council shall present its findings and recom-
39 mendations to the board no less than 2 times annually. The council
40 shall have the opportunity to review and comment on all regula-
41 tions relative to the accountability and assistance program areas
42 before board approval.

1 SECTION 4. Section 55A of said Chapter 15 of the General
2 Laws is hereby amended by striking the section and replacing it
3 with the following new section.

4 Section 55A. In order to support the commissioner, department,
5 and board in fulfillment their duties under the provisions of
6 chapter 69, including Sections 1J and 1K, there shall be within the
7 department an office of school and district accountability, here-
8 inafter referred to as the office. The office shall provide a mecha-
9 nism to review and report on the efforts of schools, charter
10 schools and school districts, including regional school districts, to
11 improve the academic achievement of their students and shall
12 inform and assist the board and department in fulfilling their
13 broader responsibilities to promote high levels of achievement in
14 the schools and districts of the Commonwealth.

15 The office shall be under the direction and supervision of a
16 senior level administrator appointed by the commissioner who
17 shall also be responsible for the direction and supervision of the
18 targeted assistance and intervention efforts of the department pur-
19 suant to Sections 1J and 1K of Chapter 69 and pursuant to the
20 accountability provisions of federal law. The office shall ensure
21 that school and district review teams include experienced practi-
22 tioners in the field of education; provided, however, that no
23 member shall have been previously or currently employed by the
24 school, district, or charter school being reviewed or so employed
25 by a district, charter school, or education collaborative serving a
26 common student population with the school, district, or charter
27 school being reviewed.

28 The office shall act as an auditing body objectively reviewing
29 the results of educational measurements and tests conducted by or
30 for the department by implementing the provisions of Chapter 71
31 of the acts of 1993. The office shall perform not less than 40
32 school district audits annually, not less than 75 per cent of which
33 shall be in districts whose students achieve at low levels either in
34 absolute terms or relative to districts that educate similar student
35 populations. The remainder of the audits shall be divided equally
36 between districts whose students achieve at high levels relative to
37 districts that educate similar student populations and randomly
38 selected districts. The office shall ensure that no school or district
39 is audited during the administration of any statewide assessments,
40 and shall coordinate with other entities in the department to
41 ensure that a school or district is not subject to multiple compre-
42 hensive audits or reviews by the department or any accrediting
43 body within a 9 month period unless the board specifically votes
44 to do so on an emergency basis.

45 The office shall have the following duties with respect to
46 school district audits:—

47 (1) review objectively the accuracy of the school and district
48 reports by conducting or contracting for periodic program and
49 fiscal audits as necessary; (2) undertake inspections of schools,
50 charter schools and school districts including regional school dis-
51 tricts to evaluate efforts to improve and support the quality of
52 instruction and administration;

53 (3) review the district's MCAS success plan, so-called, if any,
54 submitted to the department pursuant to section 1I and evaluate
55 the implementation of said plan; (4) review the district's imple-
56 mentation of any MCAS grants received to develop or enhance
57 academic support services for students scoring in level 1 or 2;

58 (5) evaluate the alignment of curriculum and professional
59 development plans with the state curriculum and assessments;

60 (6) review the progress of overall student achievement and

61 (7) evaluate student performance, school and district manage-
62 ment, overall district governance and any other areas deemed nec-
63 essary by the office. Said audits shall be in accordance with
64 standards established by the board of education, pursuant to
65 Section 1B of Chapter 69. Following the school district audit, the
66 office shall produce a comprehensive report detailing its findings
67 and observations which the commissioner shall present to the
68 board along with any recommendations for necessary action to be
69 taken by the board. After the board's receipt of said report, the
70 commissioner shall issue recommendations to districts not
71 requiring further action pursuant to Sections 1J and 1K, on
72 methods for improving any deficiencies identified by the office.
73 The recommendations shall be transmitted to the reviewed dis-
74 trict's superintendent and school committee within 90 days of the
75 board's receipt of the report.

76 The office shall provide the necessary support to meet the
77 department's obligation to implement Sections 1J and 1K.
78 Nothing in the section shall be construed as limiting the ability of
79 the department to contract with individuals, external partners or
80 other entities to support the assistance functions established in
81 said Sections 1J and 1K.

82 The office shall develop policies to ensure that the auditing and
83 assistance practices of the department are aligned to promote col-
84 laboration and communication across functions.

85 The office shall annually compile a report of best practices
86 from the list of audits conducted that year and distribute the com-
87 piled list to all school districts in the Commonwealth.

88 For the purposes of any inspection, or audit, the office shall
89 have access to all necessary papers, vouchers, books and records
90 pertaining to a school, including a charter school, a school district
91 and regional school district. In establishing protocols for the con-

92 duct of school or district audits, the office shall, to the extent prac-
93 ticable, minimize the administrative burden on schools and dis-
94 tricts by using existing, recently compiled or readily available
95 data sources. Schools, school districts and school personnel shall
96 cooperate with the office for any inspection or audit pursuant to
97 this section, including but not limited to, participating in inter-
98 views and producing books and documents. Each school district,
99 including regional school districts, and charter school in the Com-
100 monwealth shall annually file with the office on or before October
101 1st a copy of its current personnel contracts and collective bar-
102 gaining agreements in a form and manner prescribed by the com-
103 missioner. The office shall ensure that any noncompliance with
104 law, misfeasance or malfeasance shall be referred to the commis-
105 sioner of education for appropriate action.

106 The department shall transmit the office's findings, audit
107 reports, recommendations and follow-up reports to the secretary
108 of education, the board of elementary and secondary education,
109 the attorney general and a local public library in the audited dis-
110 tricts. Said department shall report to the general court the results
111 of its findings, audit reports, recommendations and follow-up
112 reports and file said report to the clerks of the house of representa-
113 tives and the senate, who shall forward the same to the senate
114 president, the speaker of the house of representatives, the joint
115 committee on education and the house and senate committees on
116 ways and means.

1 SECTION 5. Section 1B of Chapter 69 of the General Laws, as
2 amended by Section 95 of Chapter 27 of the acts of 2008, is
3 hereby amended by inserting after the fourth paragraph the
4 following paragraph:—

5 The board shall establish the process and standards for school
6 and district audits and reviews conducted by the office of school
7 and district accountability established by Section 55A of Chapter
8 15. In establishing said process and standards, the board shall pro-
9 mote efficiency and coordination with other audit, evaluation, and
10 reporting requirements established by the board and department
11 and shall also consider the findings and recommendations of the
12 advisory council on school and district accountability and assis-
13 tance, pursuant to Section 1G of Chapter 15. The board shall

14 review and approve the protocols for the audit of schools, charter
15 schools and school districts, including regional school districts
16 pursuant to this chapter.

1 SECTION 6. Section 1J of said chapter 69, as so appearing, is
2 hereby amended by striking out, in line 13, the word “shall” and
3 inserting in place thereof the following words:—
4 , pursuant to Section 55A of Chapter 15, shall.

1 SECTION 7. Section 1K of said chapter 69, as so appearing, is
2 hereby amended by striking out the word “team”, in line 4, and
3 inserting in place thereof the following words:—
4 team, pursuant to section 55A of chapter 15.

1 SECTION 9. Notwithstanding Section 4 of this act, for fiscal
2 year 2009, the office shall perform not less than 15 school district
3 audits.

1 SECTION 10. Within 90 days after the effective date of this
2 act, the Department of Elementary and Secondary Education shall
3 convene the advisory council on school and district accountability
4 and assistance established herein.